

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRISTOPHER R. GERARDI and  
VICKIE A. GERARDI,

**ECF CASE**

Plaintiffs,

**PETITION FOR REMOVAL**

-against-

**Civ. Action No.** 1:16-CV-1092 (DNH/DJS)

AMICA MUTUAL INSURANCE COMPANY,

Defendant.

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Amica Mutual Insurance Company, defendant in the above-captioned matter, for purposes of removing this action from the Supreme Court of the State of New York, County of Albany, in which it is now pending to the United States District Court, Northern District of New York, respectfully states, shows and petitions to the Court as follows:

1. State Court Action. This is an action filed on or about May 10, 2016 in New York State Supreme Court, County of Albany, Index No. 02149-16 being a suit entitled and styled as set forth in the caption above. A copy of the summons with notice filed with the Albany County Clerk's Office is annexed hereto as **Exhibit A**. The state court action was filed and venued in Albany County, New York, within this Court's territorial jurisdiction.
2. Federal Jurisdiction. As alleged in the summons with notice, plaintiffs' property is located in New York State, Albany County, which is the subject of the

litigation. Amica Mutual Insurance Company is a foreign corporation, incorporated pursuant to the laws of the state of Rhode Island, and maintains its principal place of business with the state of Rhode Island. As alleged in the summons with notice, the amount in controversy is claimed to be \$1,100,000.00, exclusive of interest and costs. Accordingly, this Court has original jurisdiction over this action based upon complete diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332(a), and this civil action is one which may be removed pursuant to 28 U.S.C. § 1441.

3. Timeliness of Removal Petition. The attached summons with notice was served upon Amica Mutual Insurance Company on August 10, 2016. Accordingly, removal of this action is timely under 28 U.S.C. § 1446(b), as service has been made within in the last thirty (30) days.

**WHEREFORE**, defendant, Amica Mutual Insurance Company, respectfully requests that this action now pending in the Supreme Court of the state of New York, County of Albany, be removed there from to this Honorable Court and that this Court take and assume jurisdiction over this matter and issue such further orders and processes as may be necessary to the trial and conclusion thereof. This notice of removal is submitted and filed without waiver of procedural or substantive defenses which are or may become available to the defendants.

Dated: Buffalo, New York  
September 7, 2016

s/Roy A. Mura

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Roy A. Mura, Esq.  
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